

Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number

VA-30326

Effective Date

[■ date]

Expiration Date

[■ date]

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	ABB Power T & D Company
Mailing Address:	501 Merritt 7, P. O. Box 5308 Norwalk, CT 06856
Facility Name:	ABB Power T & D Company
DEQ Registration No.:	30326
Facility Location:	Highway 58, 2 miles west of intersection of Highways 501 and 58
AIRS Identification No.:	51-083-0004

Permit Issued this _____ day of _____, _____

Dennis H. Treacy, Director
Department of Environmental Quality

Attachments: Table of Contents, 2 pages
Permit Conditions, 17 pages

ABB Power T & D Company Title V Operating Permit Table of Contents

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Part I -- Facility Information

Permittee	Facility
ABB Power T & D Company	ABB Power T & D Company
501 Merritt 7, P. O. Box 5308	P. O. Box 920
Norwalk, CT 06856	South Boston, VA 24592
Responsible Official	Contact person
Mr. G. L. Schepers	Charles Hall
Executive VP & GM	Environmental Control Officer
(804) 575-7971	(804) 575-7971

VA Registration Number: 30326

AIRS Identification Number: 51-083-0004

Facility Description: 3612 - This plant produces small to large size transformers for the electric utility industry, using both purchased and on-site manufactured parts.

Part II -- Emissions Unit Specific Requirements

1. Insignificant Emission Unit Inventory List

Table A1

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
GN	electric batch ovens	5-80-720 B.	VOCs	
GN	paint stripping	5-80-720 B.	VOCs	
GN	brush plating	5-80-720 B.	VOCs	
GN	metal grinding, punching and cutting	5-80-720 B.	PM	
GN	welding, brazing, and soldering	5-80-720 A.		
GN	use of solvents/cleaners and adhesives	5-80-720 B.	VOCs	
GN	LP gas storage tanks	5-80-720 B.	VOCs	
GN	heating systems	5-80-720 A.		
GN	oil tanks	5-80-720 B.	VOCs	
GN	Silicone Tanks	5-80-720 B.	VOCs	
GN	R Temp Tanks	5-80-720 B.	VOCs	
GN	Used Oil Tanks	5-80-720 B.	VOCs	
GN	Fuel Oil #2 Heater	5-80-720 A.		
EU16	Tank Phosphate Wash Bath	5-80-720 B.	NO _x	
EU17	Part Phosphate Wash Booth	5-80-720 B.	NO _x	
EU18	Cooler Tube Phosphatizing Dip Tank	5-80-720 B.	NO _x	
EU19	Shipping Wash Booths	5-80-720 B.	NO _x	
EU23-26	Powder Coating Process	5-80-720 B.	TSP, PM ₁₀ , NO _x	
EU32-34	Core/Coil Oven Electric	5-80-720 A.		
EU36-38	Vacuum Chamber Exhaust	5-80-720 B.	VOCs	15 units/day
GN	Tank shot blast emits to shop	5-80-720 B.	PM ₁₀ , TSP	20 units/day
GN	AL & CU Welding	5-80-720 A.		
GN	Diesel Fire Pump	5-80-720 A.		

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
EU13a	Mahon Tank Oven	5-80-720 C.		4.0 million BTU/Hr
EU15a	Thermal Engineering Misc Parts Oven.	5-80-720 C.		1.6 million BTU/Hr
EU16a-17a	Fremont Industries Model 1600 Hot Water Heater	5-80-720 C.		0.55 million BTU/Hr
EU18a	Cooler Tube Dip Tanks	5-80-720 C.		3.2 million BTU/Hr
EU19a	Spartan Model S4100 Water heater	5-80-720 C.		0.35 million BTU/Hr
EU39a	WB-1200/POM-40 Water Bath Vaporizer for Propane	5-80-720 C.		1.4 million BTU/Hr

2. Significant Emissions Unit Inventory List

1. Process Units

Table B1

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
MU27-32	MU2701-MU3201	Air Makeup	Rapid Engineering Model 4089 Ham&13, unk	13.2 million BTU/Hr/unit
EU01	EU0101	Network Paint Booth	Unk	2 tanks/day
EU02-07	EU0201-0701	Flowcoat Booths 1-6	Unk	18 tanks/day
EU08	EU0801	Flowcoat Purge Exhaust	Unk	n/a
EU09	EU0901	Misc. Part Spray Booth	Unk	20 unit parts/day
EU10	EU1001, EU1002	Small Distribution Paint Booth	Unk	7 units/day
EU11, 12	EU1101,EU1102, EU1201, EU1202	Med. & Large Distribution Paint Booths	Unk	13 units/day
EU13b, 14	EU1301,	Tank Oven & Cooling	Unk	20 tanks/day

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
	EU1401	Chamber		
EU15b	EU1501	Misc. Parts Oven	Unk	20 tank parts/day
EU16b	EU1601	Tank Phosphate Wash Booth	Unk	20 tank parts/day
EU17b	EU1701	Misc. Parts Phosphate Wash Booth	Unk	20 tank parts/day
EU18b	EU1801	Cooler Tube Phosphatizing Tanks	Unk	20 tank cool asm/day
EU19b	EU1901, EU1902	Shipping Wash Booth	Unk	20 units/day
EU20	EU2001	Woodworking (coil supports)	Unk	853 ton/yr
EU21	EU2101	Shot Blasting	Wheelabrator Corp. Model-126D, 1993	13,344 ton/yr
EU23-26	EU2301-2601	Powder Coating Process	Unk	436 lbs/day
EU32-34	EU3201-3401	Core/Coil Ovens (3)	Unk	2 units/day

2. Equipment to be removed from the facility by December 31, 1999

Table B2

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
EU30-31	EU0001-3101	Core/Coil Oven Gas	FECO	1,300,000 BTU/Hr/Bank
EU36	EU3601	Vacuum Fill Chamber, Precipitron	Unk	11 units/day
EU37	EU3701	Large Distribution Vacuum Exhaust	Unk	3 units/day
EU38	EU3801	Small Distribution Vacuum Exhaust	Unk	6 units/day

3. Pollution Control Equipment

Table B3

Stack No./ Emission Unit No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity *	Pollutant
EU21	Shot Blast Dust Collector	Wheelabrator Corp. Model-126D	99% efficient	PM
EU01-07, 09	paper or fiberglass filters	Unk	98.5% efficient	PM
EU20	Wood Dust Collector	Carter Day 2332RF10	99.9% efficient	PM

* not applicable requirements, provided for information

only

3. Emission Unit Limitations

Table C1

Unit ID	Condition/ Reference No.	PM10*		NOx*		SO ₂ *		CO*		VOC*	
		lb/h	ton/	lb/hr	ton/	lb/h	ton/	lb/h	ton/	lb/h	ton/yr
EU11 EU12	D.3/EU11 D.3/EU12	6.6	7.3							66.6	194.8
EU21	D.2./EU21	1.0	0.5								

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

4. Emission Unit Specific Permit Terms

1. Shot blasting operation

Table D2

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	lb/hr	tons/yr*	
PM	1.0	0.5	Condition 6 of May 6, 1993 permit

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

Limitations

- (1) The annual throughput of steel processed through the shot blasting operation shall not exceed 12,500 tons, calculated as the sum of each consecutive 12 month period.
(9 VAC 5-170-160, Condition 5 NSR permit issued May 6, 1993)

- (2) Visible emissions from the fabric filter shall not exceed five (5) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
 (9 VAC 5-170-160, Condition 7 NSR permit issued May 6, 1993)

Monitoring

- (3) Visual emission observations from the fabric filter exhaust stack shall be conducted at least once per week. If visible emissions are observed, timely corrective action shall be taken such that the fabric filter resumes normal operation and there are no visible emissions from the fabric filter exhaust stack. Records shall be maintained, on site, stating the date and time of each visible emissions check and whether visible emissions were observed and any required corrective action taken. Visible emissions checks are not required during start-ups, shut-downs, and malfunctions.
 (9 VAC 5-40-20)

Recordkeeping

- (4) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:
- (1) The yearly throughput of steel for the shot blasting operation, calculated as the sum of each consecutive 12 month period.
 - (2) Records of malfunctions of equipment which may cause a violation of any part of this permit.
 - (3) Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
 (9 VAC 5-50-50)

2. Two combination spray and roll coat booths (Med. & Large Distribution Paint Booths)

Table D3

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	lb/hr	tons/yr*	
PM10	6.6	7.6	Condition 6 of April 9, 1999 permit
VOCs	66.6	194.8	Condition 6 of April 9, 1999 permit

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

Limitations

- (5) The volatile organic compound throughput for the coating operation shall not exceed 194.8 tons per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-170-160, Condition 5 NSR permit issued April 9, 1999)
- (6) Visible emissions from the spray booth exhausts shall not exceed five (5) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-170-160, Condition 7 NSR permit issued April 9, 1999)

Recordkeeping

- (7) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:
- (1) Monthly and annual throughput in gallons (and converted to pounds) of coatings for each coating process; annual throughput is to be calculated monthly as the sum of each consecutive 12 month period.
- (2) VOC and speciated HAPs emissions from the coating operation calculated monthly and annually to verify compliance with Condition D.3.a. Annual VOC emissions shall be calculated monthly as the sum of each consecutive 12 month period.
- (3) Records of malfunctions of equipment which may cause a violation of any part of this permit.
- (4) Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.
These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50)

3. Woodworking (coil supports)

Table D4

Regulated Pollutant	Limitation/Standard	Applicable Requirement
PM	0.05 grains per standard cubic feet of exhaust gas	Article 17, 9VAC 5-40-2270

Limitations

- (8) The fabric filter shall discharge no more than 0.05 grains of particulate matter per standard cubic feet of exhaust gas.

(9 VAC 5-40-2270 B.)

- (9) Visible emissions from the fabric filter exhaust shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity as determined by EPA Method 9 (reference 40 CFR Part 60, Appendix A).
(9 VAC 5-40-80)

Monitoring

- (10) Visual emission observations from the fabric filter exhaust stack shall be conducted at least once per week. If visible emissions are observed, timely corrective action shall be taken such that the fabric filter resumes normal operation and there are no visible emissions from the fabric filter exhaust stack. Records shall be maintained, on site, stating the date and time of each visible emissions check and whether visible emissions were observed and any required corrective action taken. Visible emissions checks are not required during start-ups, shut-downs, and malfunctions.
(9 VAC 5-40-20)

Maintenance/Operating Procedures

- (11) The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
- (i) Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - (ii) Develop an inspection schedule, monthly at a minimum, to insure operational integrity of the fabric filter and maintain records of inspection results.
 - (iii) Have available written operating procedures for the fabric filter. These procedures shall be based on the manufacturer's recommendations, at minimum.
 - (iv) Train operators in the proper operation of the fabric filter and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 K)

Recordkeeping

- (12) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:

- (1) Records of maintenance, inspections, and training.
- (2) Records of malfunctions of equipment which may cause a violation of any part of this permit.
- (3) Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-40-50)

4. Rapid Engineering Air Makeup Heater

Table D4

Regulated Pollutant	Limitation/Standard	Applicable Requirement
SO ₂	2.64K, in lbs/hr, where K = actual heat input at total capacity expressed in Btu x 10 ⁶ per hour	Article 4, 9VAC 5-40-280
H ₂ S	15 grains per 100 cubic feet of gas without burning or removing H ₂ S in excess of this concentration	Article 4, 9VAC 5-40-290

Recordkeeping

- (13) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:
 - (1) Monthly and annual throughput of natural gas and LP gas, calculated monthly as the sum of each consecutive 12 month period.
 - (2) Records of malfunctions of equipment which may cause a violation of any part of this permit.
 - (3) Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-40-50)

5. Cooler Tube Dip Tanks and Cooler Tube Phosphatizing Tanks, and Tank and Misc.

Parts Phosphate Wash Booths

Table D4

Regulated Pollutant	Limitation/Standard	Applicable Requirement
SO ₂	2.64K, in lbs/hr, where K = actual heat input at total capacity expressed in Btu x 10 ⁶ per hour	Article 4, 9VAC 5-40-280
H ₂ S	15 grains per 100 cubic feet of gas without burning or removing H ₂ S in excess of this concentration	Article 4, 9VAC 5-40-290

Recordkeeping

- (14) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:
- (1) Monthly and annual throughput of natural gas and LP gas, calculated monthly as the sum of each consecutive 12 month period.
 - (2) Records of malfunctions of equipment which may cause a violation of any part of this permit.
 - (3) Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-40-50)

Part III Facility-wide and General Requirements

5. Facility-Wide Conditions and Permit Terms

1. Existing source standard for visible emissions

Unless otherwise specified in this permit, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to

meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. This standard is applicable to the following emission units: Mahon Tank Oven, Thermal Engineering Parts Oven, Core/Coil FECO Ovens, Misc. Parts Oven, Fremont Industries Water Heaters, network paint booth, flow coat booths, miscellaneous paint booth, Shipping Wash Booth, Tank Phosphate Wash Booth, and Misc. Parts Phosphate Wash Booth.

(9 VAC 5-40-80)

2. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
- (2) Application of asphalt, water or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition;
- (3) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
- (4) Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and
- (5) The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90)

3. Startup, Shutdown and Malfunction

At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-20-180)

6. General Permit Conditions

1. Recordkeeping and reporting

- (1) All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- (1) The date, place as defined in the permit, and time of sampling or measurements.
- (2) The date(s) analyses were performed.
- (3) The company or entity that performed the analyses.
- (4) The analytical techniques or methods used.
- (5) The results of such analyses.
- (6) The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

- (2) Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

- (3) The permittee shall submit the results of monitoring, including periodic monitoring, in a report to the Lynchburg Satellite Office every six months. Each report must be postmarked within 30 days following each six-month reporting period. The report must be signed by a responsible official, consistent with 9 VAC 5-80-80G, and shall include:

- (i) the time period included in the report. The time periods to be addressed are for the calendar months March through August, and September through February.
- (ii) all deviations from permit requirements. For purposes of this permit, a "deviation" means any situation in which an emissions unit fails to meet a permit term or condition. For a situation lasting more than 24 hours which constitutes a deviation, each 24-hour period is considered a separate deviation.

(9 VAC 5-80-110 F)

2. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Lynchburg Satellite Office within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shut down.

(9 VAC 5-20-180)

3. Permit Deviation Reporting

The permittee shall notify the Lynchburg Satellite Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to general condition III.B.1.C. of this permit.

(9 VAC 5-80-110 F.2., 9 VAC 5-80-250)

4. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

5. Duty to Comply

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

6. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

7. Permit Action for Cause

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

8. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

9. Duty to Submit Information

(4) The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

(5) Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

10. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

11. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355 (Rule 8-6 of the Regulations). The actual emissions covered by the permit program fees for the preceding calendar year shall be calculated by the owner and submitted to the LSO by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the LSO.
(9 VAC 5-80-110 H and 9 VAC 5-80-340.C)

12. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

13. Inspection and entry requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- (6) Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- (7) Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- (8) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- (9) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation. Nothing contained herein shall make an inspection time unreasonable during an emergency.
(9 VAC 5-80-110 K.2)

14. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ within 60 days of the end of each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the Clean Air Act. This certification shall be signed by a responsible official and shall include:

- (10) a description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
- (11) The identification of each term or condition of the permit that is the basis of the certification.
- (12) The compliance status.
- (13) Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- (14) Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- (15) Such other facts as the permit may require to determine the compliance status of the source.

Compliance certifications submitted to EPA shall be sent to:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

(9 VAC 5-80-110 K.5)

15. Reopening For Cause

- (16) The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.
- (17) The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (18) The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (19) The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

16. Enforceability

All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the federal Clean Air Act.

(9 VAC 5-80-110 N)

17. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

18. Transfer of Permits

(20) No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

(21) In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

(22) In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

19. Permit Expiration

Permit expiration terminates the source's right to operate unless a timely (at least six months, but no earlier than 18 months prior to the date of permit expiration) and complete renewal application has been submitted consistent with 9 VAC 5-80-80.

(9 VAC 5-80-170 B)

20. Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the following conditions are met. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed,

contemporaneous operating logs, or other relevant evidence that show the following:

- (23) A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
- (24) The permitted facility was at the time being properly operated.
- (25) During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
- (26) For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in **Condition III. B.2. Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements.

In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

21. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

7. Permit Shield

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit. Nothing in this permit shield shall alter the provisions of § 303 of the Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to § 114 of the Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)